

ATTACHMENT A

Person to Be Searched

Markeith PHIPPS with a corresponding birthdate of June 14, 1988.

ATTACHMENT B

Particular Things to be Seized

Saliva and epithelial cells to be taken via buccal swab.

Return

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name(s) of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the
Eastern District of WisconsinIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)MARKEITH PHIPPS
DOB: XX/XX/1988, USMS No. 16040-089,
housed at Milwaukee County Jail,
Milwaukee, Wisconsin.

Case No. 24-861M(NJ)

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

MARKEITH PHIPPS, DOB: XX/XX/1988, USMS No. 16040-089,
housed at Milwaukee County Jail, Milwaukee, Wisconsin
located in the Eastern District of Wisconsin, there is now concealed (identify the person or describe the property to be seized):

Saliva and epithelial cells (to be take via a buccal swab)

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

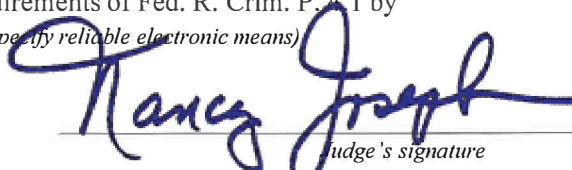
The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 922(g)(1)	Possession of a Firearm by a Felon

The application is based on these facts:
See attached affidavit.☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.
Applicant's signatureMatthew Mason, ATF Special Agent
Printed name and titleAttested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 41 by

telephone (specify reliable electronic means)

Date: 6/13/2024


Judge's signatureCity and state: Milwaukee, WisconsinNancy Joseph, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Matthew Mason, being first duly sworn on oath, on information and belief state:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a search warrant application seeking buccal swabs/DNA exemplars/samples from the person of Markeith D. PHIPPS, DOB: 6/14/1988. PHIPPS is currently housed at the Milwaukee County Jail. The requested buccal swabs/DNA exemplars/samples will be utilized for DNA comparison purposes with evidence related to a firearm recovered on September 9, 2022, from 3281 N. 1st Street, Milwaukee, Wisconsin.

2. I am a federal law enforcement officer employed by the Bureau of Alcohol, Tobacco, Firearms and Explosives and I am currently assigned to the U.S. Marshals Service – Fugitive Task Force. I have been a law enforcement officer for over 20 years.

JURISDICTION

3. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE

4. Affiant’s application for this search warrant is based upon an investigation where on September 9, 2022, Affiant, along with other Task Force Officers and United States Marshals Service Deputies, executed an arrest warrant for Markeith D. PHIPPS (DOB:6/14/1988), at 3281 N. 1st Street, Milwaukee, Wisconsin. Prior to making entry, law enforcement officers determined

that PHIPPS, the target of the arrest warrant, was located inside the residence at 3281 N. 1st Street, Milwaukee, Wisconsin.

5. While executing the arrest warrant for PHIPPS on September 9, 2022, members of the United States Marshals Service located PHIPPS inside the residence in a bedroom, and observed that in plain view, next to PHIPPS' side of the bed, was a HK 416 .22 caliber pistol. That this firearm was later placed into U.S. Marshals Service evidence.

6. Affiant knows PHIPPS is prohibited from possessing firearms and/or ammunition because he has previously been convicted of felony offenses. A review of PHIPPS's criminal history reveals that these convictions remain of record and unreversed.

7. Affiant is further aware that as a result of items found during the arrest of PHIPPS, on or about December 20, 2022, a grand jury sitting in the Eastern District of Wisconsin returned a two-count Indictment against PHIPPS. In *United States v. Phipps*, Case No. 22-CR-265, PHIPPS is charged with possessing a firearm as a convicted felon in violation of Title 18, U.S.C. Section 922(g)(1) and possession of cocaine with the intent to distribute in violation of Title 21, U.S.C. Sections 841(a)(1) and 841(b)(1)(C).

8. Affiant is aware that the recovered firearm was swabbed for DNA samples by the Milwaukee County Sheriff's Office. The three swabs from the firearm were placed into United States Marshals Service evidence.

9. Affiant knows that analysts from the Wisconsin State Crime Laboratory can extract DNA from biological substances left at crime scenes, left on physical evidence, or left on known individuals.

10. Affiant knows that based upon testing to these biological substances, the crime lab analyst can draw conclusions to a reasonable degree of scientific certainty that a particular

individual may be the source of DNA found on items found at a crime scene or left on physical evidence.

11. Affiant knows that epithelial cells contain DNA and that epithelial cells are present in the lining of the mouth.

12. Affiant knows that it is possible to extract DNA from these epithelial cells. Affiant is further aware that these cells can be analyzed, and based upon the analysis determine whether foreign DNA is present on a victim or property that was left behind from a suspect.

13. Affiant knows that the Wisconsin State Crime Laboratory analysts can compare DNA recovered from the buccal swabs of Markeith D. PHIPPS (DOB: 06/14/1988) to the DNA samples that were obtained by forensic investigators during the course of investigations.

14. Affiant believes that there is probable cause to believe that buccal swabs (DNA) from Markeith D. PHIPPS (DOB: 06/14/1988) will further confirm his possession of the recovered firearm. Affiant knows PHIPPS is currently located at the Milwaukee County Jail, located at 949 N. 9th Street, in the City and County of Milwaukee, Wisconsin.

15. That your affiant is aware that the analyst at the Wisconsin Regional Crime Laboratory needs the Standard DNA sample from Markeith D. PHIPPS (DOB: 6/14/1988) for comparison and/or confirmatory purposes to the DNA recovered from the firearm.

CONCLUSION

16. Based upon the foregoing, probable cause exists to believe that evidence exists related to Possession of a Firearm by a Felon in violation of 18 U.S.C. § 922(g)(1); specifically, saliva and epithelial cells to be obtained via buccal swabs from Markeith PHIPPS, (DOB: June 14, 1988). I further believe that by taking oral swabs from the inside of PHIPPS's cheek this evidence can now be compared to the DNA samples obtained from the firearm found at 3281 N.

1st Street, Milwaukee, Wisconsin, which PHIPPS is charged with possessing, as a felon, on September 9, 2022.

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